



Attorney's Docket No.: 09010-029005 : DIVER1004

RECEIVED

SEP 04 2003

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jay M. Short et al.

Art Unit : 1652

Serial No. : 09/580,515

Examiner : Delia M. Ramirez, Ph.D.

Filed : May 25, 2000

Title : RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated March 25, 2003, finally rejecting claims 18, 41-79.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 3 month(s) to and including September 25, 2003 is enclosed.

A check in the amount of \$160 for the appeal fee is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

Aug 28, 2003

Gregory P. Einhorn

Reg. No. 38,440

Fish & Richardson P.C.

4350 La Jolla Village Drive, Suite 500

San Diego, California 92122

Telephone: (858) 678-5070

Facsimile: (858) 678-5099

10325913.doc

09/03/2003 HDEMESS1 00000120 061050 09580515

01 FC:2401

160.00 DP

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 28, 2003

Date of Deposit

Signature

Jeanne Amour-Rice

Typed or Printed Name of Person Signing Certificate